

Date May 22, 2006

WHEREAS, on May 8, 2006, by Roll Call No. 06-888, it was duly resolved by the City Council that the City Council initiated proposal to rezone the property owned by South Des Moines Little League and located in the vicinity of 1900 SE 6th Avenue, more fully described below, be set down for hearing on May 22, 2006, at 5:00 P.M., in the Council Chamber of the City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on May 11, 2006, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and,

WHEREAS, in accordance with said notice those interested in said proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and,

WHEREAS, the City Plan and Zoning Commission has recommended denial of the proposed rezoning, and has further recommended that any future redevelopment of the Property be subject to the "PUD" Planned Unit Development District zoning classification and regulations; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the following described property:

Except Beginning at the southeast corner, thence northwesterly 159.66 feet, thence North 61.80 feet, thence East 57 feet, thence northeasterly 142.28 feet, thence East 50 feet, thence South 234.05 feet to Point of Beginning, Lot 3, North of Hillside Avenue, Sevastopol, an Official Plat; and, all Lots 1, 2, 3, Boyd's Place, an Official Plat; and, except beginning at the Southwest corner, thence North 140 feet, thence East 160 feet, thence South 176.75 feet, thence northwesterly to Point of Beginning, Lot 25, Official Plat West 1/2 South of the Des Moines River, Section 10, Township 78 North, Range 24 West of the 5th P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa (hereinafter referred to as the "Property").

from the "R1-60" One-Family Low-Density Residential District and the "C-1" Neighborhood Retail Commercial District to a Limited "R-3" Multiple Family Residential District classification, subject to the following conditions which are agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of said property and is binding upon the owners and their successors, heirs and assigns as follows:

The Property shall not be subdivided by plat of survey, subdivision plat or other means, and no building permit shall be sought or issued for any habitable structure upon the Property, until the Property has been rezoned to the "PUD" Planned Unit Development District

(continued)

Date May 22, 2006

pursuant to the Zoning Ordinance of the City of Des Moines. It is the intent of the City by requesting this condition, and of the owners by consenting to this condition, that the property ultimately be redeveloped with townhomes in accordance with an approved "PUD" Conceptual Development Plan at a density not to exceed that allowed in the "R-3" Multiple Family Residential District.

MOVED by _____ to close the public hearing.

FORM APPROVED:

Roger K. Brown

Roger K. Brown
Assistant City Attorney

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Note: This motion to close the public hearing may be approved by a simple majority of quorum.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS			~	
COLEMAN				
HENSLEY				
MAHAFFEY				
KIERNAN				
VLASSIS				
TOTAL				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED

APPROVED

.....Mayor

_____ City Clerk

49A

City Council initiated request to rezone property located at 1900 SE 6 th Street. The subject property is owned by South Des Moines Little League.			File # ZON2006-00038	
Description of Action	Rezone property from "R1-60" One-Family Low Density Residential and "C-1" Neighborhood Retail Commercial District to "R-4" Multiple Family Residential to allow for future multiple family development.			
2020 Community Character Plan	Low-Density Residential and Commercial: Pedestrian-Oriented Neighborhood Node.			
Horizon 2025 Transportation Plan	SE 6 th Street from Maury Street to Indianola Avenue widen from 2 lane undivided to 3 lane undivided.			
Current Zoning District	"R1-60" One-Family Low Density Residential and "C-1" Neighborhood Retail Commercial District.			
Proposed Zoning District	"R-4" Multiple Family Residential.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area	2	5	0	<20%
Plan and Zoning Commission Action	Approval	9-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

City Council Initiated - 1900 SE 6th Street

ZON2006-00038



May 8, 2006

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held April 20, 2006, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 9-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
David Cupp	X			
Shirley Daniels				X
Dann Flaherty	X			
Bruce Heilman	X			
Jeffrey Johannsen	X			
Greg Jones				X
Frances Koontz				X
Kaye Lozier	X			
Brian Meyer	X			
Brian Millard	X			
Brook Rosenberg	X			
Mike Simonson				X
Kent Sovern				X
Tim Urban	X			
Marc Wallace				X

in support of a motion to recommend denial of the City Council initiated proposal to rezone property in the vicinity of 1900 SE 6th Street owned by the South Des Moines Little League, from the "R1-60" One-Family Low-Density Residential District and the "C-1" Neighborhood Retail Commercial District to a Limited "R-3" Multiple Family Residential District", and to further recommend that any future redevelopment of the property be subject to the "PUD" Planned Unit Development District zoning classification and regulations. (ZON2006-00038)

Members declined to consider a City Council initiated request to amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Low Density Residential on the basis that the Commission recommended a Planned Unit Development (PUD) be submitted as part of any redevelopment of the property. (21-2006-4.07)

Written Responses

2 In Favor

5 In Opposition

This item would not require a 6/7 vote by City Council.



CITY PLAN AND ZONING COMMISSION
ARMORY BUILDING
602 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309 -1881
(515) 283-4182

ALL-AMERICA CITY
1949, 1976, 1981
2003

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Part A) Staff recommends amending the Des Moines' 2020 Community Character Plan future land use designation from Low-Density Residential to Low/Medium Density Residential.

Part B) Staff recommends that the proposed rezoning be in found in conformance with the Des Moines' 2020 Community Character Plan future land use designation of Low/Medium-Density Residential.

Part C) Staff recommends rezoning the site to "R-3" Multiple-Family Residential District subject to the following conditions:

1. Future redevelopment of the site shall be limited to single-family, bi-attached, or townhome residential;
2. Maximum density of the site shall not exceed 12 dwelling units per net acre; and
3. The developer shall hold a neighborhood meeting during the site plan review phase for any redevelopment of the site.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** On March 20, 2006 by Roll Call 06-552, the City Council initiated amending the Des Moines 2020 Community Character Land Use Plan future land use designation of the site to either Low/Medium-Density Residential or Medium-Density Residential and rezoning the site to either "R-3" District or "R-4" District. (Official notifications proposed High-Density Residential and "R-4" District since High-Density Residential and "R-4" District are the least restrictive designations.)

The Low/Medium-Density Residential future land use designation permits a maximum 12 dwelling units per net acre, whereas Medium-Density Residential permits a maximum of 17 dwelling units per net acre. Thus, Low/Medium-Density Residential designation would permit up to 57 dwelling units and Medium-Density Residential designation would allow up to 81 dwelling units on the 4.81-acre (209,537 square feet) site.

The "R-3" District bulk regulations would permit a maximum 83 dwelling units on the 209,537-square foot site (2,500 square feet of lot area per dwelling unit) and the "R-4" District bulk regulations would permit up to 246 dwelling units (850 square of lot area per dwelling unit).

The subject property currently includes a softball complex that will cease operations upon completion of a new complex under construction off-site. The current owner intends to sell the land for future redevelopment upon relocation to the new complex.

Future redevelopment of the site for multiple-family residential use would be subject to review and approval of a site plan under Design Guidelines for Multiple-Family Residential by the Plan and Zoning Commission.

2. **Size of Site:** Irregular-shaped site containing approximately 209,537 square feet or 4.81 acres.
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District and "C-1" Neighborhood Retail Commercial District

4. **Existing Land Use (site):** The subject property currently contains the South Des Moines Little League complex with 4 baseball fields, multiple structures for concessions and restrooms, and a graveled parking lot.
5. **Adjacent Land Use and Zoning:**
 - North* – “R1-60”, Use is single-family residential.
 - South* – “R1-60” and “C-1A”; Uses include bi-attached residential, East Columbus Avenue, and Don’s Lawn Service.
 - East* – “R1-60” and “C-1”; Uses include the Firehouse Lounge tavern, Southeast 6th Street, and City of Des Moines’ Fire Station #6.
 - West* – “R1-60”, Use is single-family residential.
6. **General Neighborhood/Area Land Uses:** The subject property is located just northwest of a neighborhood-commercial node at the intersection of Southeast 6th Street and East Hartford Avenue. The subject property is bounded by a low-density residential neighborhood to the north and west.
7. **Applicable Recognized Neighborhood(s):** McKinley School/Columbus Park Neighborhood Association.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Low-Density Residential.
10. **Applicable Regulations:** The Commission reviews all proposals to amend zoning regulations or zoning district boundaries within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in §414.3 of the Iowa Code. The Commission may recommend that certain conditions be applied to the subject property if the property owner agrees in writing, prior to the City Council Hearing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Drainage/Grading:** Drainage and grading would be evaluated during the site plan review process before the site can be graded or developed.
2. **Utilities:** Sufficient utilities exist to support future redevelopment of the site as multiple-family residential use. The future developer would be responsible for all costs associated with extending utilities to the site.
3. **Landscaping/Screening:** Future redevelopment of the site as multiple-family residential would be subject to review and approval of a site plan under Design Guidelines for Multiple-Family Residential. Such a site plan would be required to adhere to the landscape standards applicable to the “R-3” District.
4. **Traffic/Street System:** The subject site has approximately 360’ of frontage along Southeast 6th Street and approximately 240’ of frontage along East Columbus Avenue. The City’s Traffic and Transportation staff have determined that Southeast 6th Street and East Columbus Avenue can adequately handle the traffic generated by future development of the site as multiple-family residential.

5. **Access & Circulation:** The future layout of internal driveways on the site would be determined during the Site Plan review process.
6. **Zoning:** Due to the low-density residential character of the surrounding neighborhood, staff recommends rezoning the site to "R-3" District conditional upon future redevelopment of the site being limited to single-family, bi-attached, or townhome residential development with a maximum density of 12 dwelling units per net acre. This would permit up to 57 dwelling units on the 4.81-acre (209,537 square feet) site.
7. **2020 Community Character Plan:** The "R-3" Multiple-Family Residential District is in conformance with the proposed Low/Medium Density Residential future land use designation so long as future redevelopment of the site is limited to single-family, bi-attached, or townhome residential development with a maximum density of 12 dwelling units per acre.
8. **Urban Design:** Future redevelopment of the site for multiple-family residential would be subject to review and approval of a site plan under Design Guidelines for Multiple-Family Residential as follows:

In acting upon any site plan application that includes a multiple family dwelling, boardinghouse, or rooming house, the plan and zoning commission shall apply the design regulations in section 82-213 and the additional design guidelines set forth below. The decision to approve, approve subject to conditions or disapprove a proposed site plan shall be based upon the conformance of the site plan with such design regulations and the following guidelines.

- 1) **Architectural character.** New developments and alterations to existing development in or adjacent to existing developed areas shall be compatible with the existing architectural character of such areas by using a compatible design. Compatibility may be achieved through techniques such as the repetition of roof lines, the use of similar proportions in building mass and outdoor spaces, similar relationships to the street, similar window and door patterns, and/or the use of building materials that have color shades and textures similar to those existing in the immediate area of the proposed development. Brick and stone masonry shall be considered compatible with wood framing and other materials.
- 2) **Building height and mass.** Buildings shall be either similar in size and height, or if larger, shall be articulated, setback or subdivided into massing that is proportional to the mass and scale of other structures on the same block and adjoining blocks. Articulation may be achieved through variation of roof lines, setbacks, patterns of door and window placement, and the use of characteristic entry features. To the maximum extent feasible, the height, setback and width of new buildings and alterations to existing buildings should be similar to those of existing buildings on the same block. Taller buildings or portions of buildings should be located interior to the site. Buildings at the ends of blocks should be of similar height to buildings on the adjoining blocks.
- 3) **Building orientation.** To the maximum extent feasible, primary facades and entries shall face the adjacent public street. A main entrance should face a connecting walkway with a direct pedestrian connection to the public street without requiring all pedestrians to walk through parking lots or across driveways.
- 4) **Garage access/location.** If the prominent character of garage access and/or location is located to the rear of the properties in the surrounding neighborhood, then new construction should be compatible with such character.
- 5) **Rooftop/second story additions.** A rooftop or second floor addition, including but not limited to stairs and emergency egress, should not overhand the front or side walls of the existing building.
- 6) **Emergency egress.** All stairs and means of emergency egress extending more than 15 feet above grade and visible from the adjoining street should be completely enclosed with materials compatible in color and texture with the balance of the building.

- 7) Parking. Parking lots containing more than eight parking spaces should comply with the adopted landscape standards applicable to commercial development in the C-1 district.

SUMMARY OF DISCUSSION

Mike Ludwig: Presented staff report and recommendation.

Dann Flaherty: Asked why the request was not done as a PUD; suggested moving from a commercial venture into a larger tract type of house would be good.

Mike Ludwig: Noted the intent of South Des Moines Little League is to have owner-occupied units and would like to have townhome sized development.

Tim Urban: Expressed concern for 12 units per acre and suggested the density is misleading and allows the property to be put up for sale...need to establish a density that is realistic for the concept for the property. Asked what would be wrong with a 30-unit nursing home surrounded with open space. To predetermine it should be single-family development seems short-sighted.

CHAIRPERSON OPENED THE PUBLIC HEARING

The following individuals spoke in opposition of the request:

Valerie Barton, 511 Dunham: Does not want the rezoning; has always had the ballpark in the backyard. Would rather leave it R1-80 for single-family dwellings or a park with a lake.

Gary Barton, 511 Dunham: Indicated the neighborhood has changed a lot and a lot of money has been put into it. Expressed concern for anything other than single-family starter homes; definitely not apartments. A small business on the C-1 would be acceptable.

Lois Chapman, 509 E. Dunham: Do not want the apartments; school is already full with kids and E. 6th cannot take anymore traffic. Want it to be left the way it is.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Tim Urban: Moved to leave the zoning as it is and encourage it be developed as a PUD.

Motion passed 9-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment

Item ZON 2006 00088

Date April-14 2006

I am (am not) in favor of the request.

(Circle One)

RECEIVED

APR 17 2006

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name ADELINA HAYNES

Signature Adelina Haynes

Address 505 E Dunham

Reason for opposing or approving this request may be listed below:

It will improve that Ball Park Area - It is always a mess over there.

Item ZON 2006 00088

Date 4/17/06

I am (am not) in favor of the request.

(Circle One)

Print Name GWS Investments

Signature Gregory P. Pickett manager

Address 612 E. Edison

Reason for opposing or approving this request may be listed below:

New housing or development will be good for area

RECEIVED
APR 18 2006
COMMUNITY DEVELOPMENT DEPARTMENT

Item ZON 2006 00038

Date 4-13-06 49A

I (am) in favor of the request.

(Circle One)

RECEIVED

APR 20 2006

COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name GARY + VALERIE BARDEN

Signature Mary Barden

Address 511 E DUNHAM AVE.

Reason for opposing or approving this request may be listed below:

My wife and I feel that the change in zoning in this area will result in the lowering of property values and bring in the type of housing that wouldn't fit the housing in the neighborhood.

Item ZON 2006 00038

Date _____

I (am) in favor of the request.

(Circle One)

RECEIVED

APR 18 2006

COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name Jeremy + Melinda Lint

Signature Melinda Lint

Address 427 E Columbus Ave

Reason for opposing or approving this request may be listed below:

We do NOT want the complex built. It will destroy our neighborhood. We have an o.k. neighborhood now we want to see it get better not worse! If it is built we will consider selling our home!

49A

Item ZON 2006 00038

Date 4-13-06

I (am) (am not) in favor of the request.
(Circle One)

RECEIVED

APR 17 2006

**COMMUNITY DEVELOPMENT
DEPARTMENT**

Print Name Connie Webb
Signature Connie Webb
Address 608 E Edison Ave

Reason for opposing or approving this request may be listed below:

Just don't want it
For many Reasons.

Item ZON 2006 00038

Date April 13, 2006

I (am) (am not) in favor of the request.
(Circle One)

RECEIVED

APR 17 2006

**COMMUNITY DEVELOPMENT
DEPARTMENT**

Print Name MONICA MCKAY
Signature Monica McKay
Address 603 E DUNHAM AVE

Reason for opposing or approving this request may be listed below:

INCREASED TRAFFIC WOULD
JEOPARDIZE THE SAFETY OF THE
CHILDREN WHO WALK TO SCHOOL

Item ZON 2006 00033 4

Date 4-14-06 49A

I (am) in favor of the request.

(Circle One)

RECEIVED

APR 17 2006

COMMUNITY DEVELOPMENT

Reason for opposing or approving this request may be listed below:

Print Name

Richard H. Davis

Signature

454 S.E. Dunham

Address

Richard H. Davis

1. NEEDS STORM SEWER THROUGH THERE
BEFORE ANYTHING IS BUILT.

2. DON'T NEED ANY LOW INCOME HOUSING
THERE. HOUSING - \$120,000 TO 150,000

3. TAVERN THERE + BOUTSHOP JUNK YARD.

Item ZON 2006 00033 4

Date 4-20-06

I (am) in favor of the request.

(Circle One)

RECEIVED

APR 24 2006

COMMUNITY DEVELOPMENT
DEPARTMENT

Reason for opposing or approving this request may be listed below:

Print Name

Signature

Address

HATE TO SEE ANOTHER PARK DESTROYED.
THERE IS OTHER LAND TO USE THAT NEEDS
TO BE CLEANED UP.